

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**CORPORATE ASSETS, INC.**

**PLAINTIFF**

**VERSUS**

**CIVIL ACTION NO. 4:06CV79-P-B**

**TEXTRON FASTENING SYSTEMS MISSISSIPPI,  
INC. AND TEXTRON FASTENING SYSTEMS, INC.**

**DEFENDANTS**

**ORDER**

This cause is before the Court, sua sponte, for consideration of whether an exercise of subject matter jurisdiction is proper pursuant to 28 U.S.C. § 1332.

Upon review of the Complaint and Amended Complaint in this matter, the Court concludes that the jurisdictional allegations contained therein are insufficient to support a finding of jurisdiction. “When prosecuting a suit in federal court, ‘[t]he plaintiff has the burden of pleading the existence of the court’s jurisdiction, and, in a diversity action, the plaintiff must state all parties’ citizenships such that the existence of complete diversity can be confirmed.’” Whitemire v. Victus Limited T/A Master Design Furniture, 212 F.3d 885, 887 (5<sup>th</sup> Cir. 2000)(quoting from Chemical Leaman Tank Lines, Inc. v. Aetna Casualty and Surety Co., 177 F.3d 210, 222 n. 13 (3d Cir.1999)). However, a failure to allege facts establishing jurisdiction does not justify immediate dismissal. Id. Instead, courts should grant leave to amend pursuant to 28 U.S.C. § 1653 to cure the defective allegations. Id. Accordingly,

IT IS, THEREFORE, ORDERED AND ADJUDGED that the plaintiff is to file a Second Amended Complaint within twenty (20) days of the entry of this order, specifying therein the

citizenship of the parties as evidenced by place of incorporation and principal place of business in accordance with 28 U.S.C. § 1332(c)(1). IT IS FURTHER ORDERED AND ADJUDGED that should plaintiff fail to do so within the time specified, the Court will enter an order of dismissal for want of subject matter jurisdiction.

SO ORDERED, this the 12<sup>th</sup> day of February, 2007.

/s/ W. Allen Pepper, Jr.  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE